

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of : **TROSS et al.**

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Serial No.: 10/673,744 : Group Art Unit: 2189

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Filed : September 29, 2003 : Examiner: Daniel Bokmin Ko

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For : LOW-COST REMOTE DATA MIRRORING

August 2, 2006

**RESPONSE TO OFFICIAL ACTION**

Honorable Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Sir:

In response to an Official Action dated May 2, 2006, Applicants respectfully submit the following remarks. This application contains claims 1-60, all of which were rejected in the present Official Action. Reconsideration is requested in view of the remarks that follow.

Claims 1-5, 7-25, 27-45 and 47-60 were rejected under 35 U.S.C. 102(e) over Ohno et al. (U.S. Patent 6,950,915). Applicants respectfully traverse this rejection. Ohno is available as a reference under 35 U.S.C. 102(e) as of the date this patent was filed in the USPTO, March 21, 2003. Applicants submit herewith a Declaration under 37 C.F.R. 1.131 proving that they conceived the present invention prior to March 21, 2003, and were then diligent in constructive reduction to

practice of the invention between March 21, 2003, and September 29, 2003, when the present patent application was filed. Therefore, Ohno is ineffective as a prior art reference against this application, and the rejection under 35 U.S.C. 102(e) should be withdrawn.

Claims 6, 26 and 46 were rejected under 35 U.S.C. 103(a) over Ohno in view of Abe et al. (U.S. Patent Application Publication 2003/0031319). Applicant respectfully traverses this rejection. In view of the inapplicability of Ohno as a prior art reference against this application, the rejection under 35 U.S.C. 103(a) should be withdrawn.

Applicants believe the remarks presented hereinabove to be fully responsive to all of the grounds of rejection raised by the Examiner. In view of these remarks, Applicants respectfully submit that all of the claims in the present application are in order for allowance. Notice to this effect is hereby requested.

Please charge any fees associated with this paper to deposit account No. 09-0468.

Respectfully submitted,

Dated: August 2, 2006

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